IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

Crl.MC.No. 3905 of 2002

CC.18/1998 OF JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM
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PETITIONER:

ABDUL VAHAB, S/O.MOHAMED MUSLIAR,
VALAKKUNDU PARAMBIL, MOOTILANGADI AMSOM,
PANAMPATTA DESOM, PERITALMANNA TALUK,
MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE S.I. OF POLICE, MALAPPURAM, THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. NARIKUNNAN KUNHI MOHAMED, S/O.MOIDEENKUTTY, KOOTILANGADI AMSOM, PERINTHATHRI DESOM, PERINTALMANNA TALUK.

3. ABDUL RAZACK, S/O.ABDUL VAHAB, VALAKUNDU PARAMBIL, KOOTILANGADI AMSOM, PANAMPETTA DESOM, PERINTALMANNA TALUK, MALAPPURAM DIST.

BY ADV. SRI.K.M.SATHYANATHA MENON --- R2
PUBLIC PROSECUTOR SRI. C.K. SURESH

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO. 2476/2002 IN CR.MC NO. 3905/2002 C.

DISMISSED

25/10/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

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K.R. UDAYABHANU, J

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CRL. M.C. NO. 3905 OF 2002

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Dated this the 22nd day of November, 2007

O R D E R

The petitioner, who is the 2nd accused in C.C. No. 18/98 in the file of Judicial First Class Magistrate, Malappuram with respect to the offence under Section 420 r/w Section 34 of the Indian Penal Code, has sought for getting quashed the order of the court below declining to get the documents marked and also dismissing the application filed for discharge. It is mentioned in the order of the court below that one of the documents produced is the photo copy of four blank cheque leafs in a single sheet and another document is the photo copy of passport attested by the Embessy and that it has got three separate sheets and in that only two sheets attestation is made. The court has also noted that if the accused wanted to get the documents marked, he can do so through his witnesses at the time of defence evidence subject to its admissibility. On a perusal of the concerned documents seen in the lower court records, I find that only one of the pages attestation is made. The contention of the petitioner it

appears is that at the time of the alleged handing over of the cheque, he was in the Middle East. Hence, in the absence of attestation on the relevant pages of the photo copies of the passport, the document cannot be marked without examining the concerned witnesses. I find no error in the order of the court below. The counsel for the respondent has sought for a direction to the early disposal of the matter as the case is long pending. The court may look into the matter.

The Crl. M.C is accordingly dismissed.

K.R. UDAYABHANU, JUDGE.

rv

K.R. UDAYABHANU, J

CRL.M.C. NO. 3905 of 2002

22nd day of November, 2007

ORDER